

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
 v.) CR. NO. 2:07-cr-280-MHT
TIMOTHY GRANT JONES,)
a.k.a. "Timothy G. Jones,")
a.k.a. "Tim Jones")

MOTION FOR MENTAL COMPETENCY EXAMINATION

Comes now the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and respectfully requests this Court to enter an order directing the United States Marshal of this district to take the above-named defendant into custody and to remove him to the custody of the Warden of the Medical Center for Federal Prisoners, Springfield, Missouri, or such other federal institution as the Court deems appropriate, for the purpose of being observed and examined by one or more qualified psychiatrists, pursuant to Title 18, United States Code, Sections 4241, 4242 and 4247.

In support of its motion, the United States respectfully states as follows:

1. On or about June 4, 2008, Defendant filed an Unopposed Motion to Continue Trial asserting that United States Magistrate Judge Wallace Capel called Defendant's competency into question in open court on April 28, 2008. (Doc. # 31, ¶ 5.) Defendant further asserted that arrangements were being completed for his evaluation by Clinical Psychologist Dr. Catherine Boyer. (Doc. # 31, ¶ 6.)
2. On August 21, 2008, Defendant submitted a neuropsychological evaluation prepared by Dr. Stephen Bailey to the undersigned Assistant United States Attorney. The

report indicates that Defendant suffers from dementia and Dr. Bailey opines that Defendant was not fully capable of appreciating the full weight of his decisions.

3. On today, Defendant submitted an addendum for Dr. Bailey's report to the undersigned Assistant United States Attorney wherein Dr. Bailey opines that Defendant was not fully competent at the time of his crimes. Dr. Bailey further opines that Defendant "probably" will not be able to assist defense counsel in his defense.
4. The United States has consulted with defense counsel and there is no opposition to this motion.

Accordingly, the United States respectfully requests that a psychiatric or psychological examination of the defendant be conducted pursuant to Title 18, United States Code, Section 4241 and that a report be required pursuant to the provisions of Title 18, United States Code, Section 4247(b) and (c), the latter reports specifically to include a report as to whether the defendant is "suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense," and "as to whether the defendant was insane at the time of commission of the offense for which he is charged."

For the reasons set forth above, the United States respectfully requests this Court to enter an order directing that the United States Marshal for the Middle District of Alabama take the defendant into custody and that the defendant be removed pursuant to Title 18, United States Code, Sections 4241, 4242, and 4247, for the purposes of being observed and examined.

This 3rd day of September, 2008.

Respectfully submitted,

/s/ Jerusha T. Adams
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CERTIFICATE OF SERVICE

I hereby certify that on September 3, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:
Michael Petersen.

Respectfully submitted,

/s/ Jerusha T. Adams
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